IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18838 of 2004

Between:

B.Kanakaiah Goud, S/o Venkataiah,
R/o Kothagudem, Khammam District

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent, Khammam District at Khammam
2 The Commissioner of Prohibition & Excise, Govt.of A.P.,at Hyderabad
3 The Prohibition & Excise Inspector, SHO, Kothagudem, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the action of the respondents in not renewing the licence of M/s Sagar bar & Restaurant, Kothagudem, Khammam District and not restoring the same even after collecting the compounding fee as illegal, arbitrary and unjust and further direct the respondents to renew the licence of M/s Sagar Bar & Restaurant, Kothagudem, Khammam District.

Counsel for the Petitioner: MR.T.AMARNATH GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following:

ORDER:

Petitioner is a licensee in Form IL-17 and running a Bar and Restaurant in the name and style of M/s.Sagar Bar and Restaurant at Kothagudem, Khammam District. It appears that a case was registered against the petitioner under Section 37 of the A.P.Excise Act, however the same was compounded by order dated 30.08.2004 passed by the Commissioner of Prohibition and Excise. The petitioner states that in the meanwhile by order dated 11.08.2004, the licence of the petitioner was cancelled, however, soon after the order dated 30.08.2004, the petitioner made a representation dated 08.10.2004 requesting for renewal of the licence. The case of the petitioner is that since the offence was already compounded and he has paid the requisite compound fee, he is entitled for restoration of his licence and the respondents ought to have considered his request for renewal of the licence. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents, without expressing any opinion on merits with regard to entitlement of the petitioner either for restoration of licence or for renewal of the same, the writ petition is

disposed of with a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 08.10.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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26.10.2004

VGB

To

1 The Prohibition & Excise Superintendent, Khammam District at Khammam
2 The Commissioner of Prohibition & Excise, Govt.of A.P.,at Hyderabad
3 The Prohibition & Excise Inspector, SHO, Kothagudem, Khammam District

4 2CCs to the Government Pleader for Prohibition and Excise, High

Court Buildings, Hyderabad (OUT)

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